IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Mat.Appeal.No. 283 of 2005()

AGAINST THE ORDER DATED 16/08/2005 IN IA.NOS.946,947/2005 IN OP.387/2004 of FAMILY COURT,KOZHIKODE

.....

PETITIONER: APPELLANT/RESPONDENT

ABDUL RAHIMAN, S/O.ABDULLA,
AGED 43 YEARS, NELLIKUNNUMMAL HOUSE,
CHELLATTUPOYIL AMSOM, P.O.PALLIATTNADA,
IRINGAL-VIA, VATAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS: PETITIONER

RABIA, D/O.IBRAHIM, MALAYIL HOUSE,
PUTHUPPANAM AMSOM, VATAKARA TALUK,
KOZHIKODE DISTRICT.

BY ADV. SMT.T.KAMALA MENON

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

Mat.Appeal No.283 of 2005

Dated 29th May, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the common order dated 16.8.2005 in I.A.946/05 and I.A.947/05 in O.P.387/04 on the file of the Family Court, Kozhikode. The Family Court, taking note of the fact that notice to the appellant had been published in Chandrika Daily on 15.12.2004 and as on that date, the appellant was there at his native place, dismissed the petitions. After having extensively heard the parties, despite the vehement contentions on the part of the respondent that the attempt is only to harass her by protracting the case, we are of the view that it is only in the interests of justice that one more chance is given to the appellant, by putting him on terms. Accordingly, we allow the appeal, set aside the common order dated 16.8.2005 in I.A.Nos.946 and 947 of 2005 in O.P. No.387/04. The petitions will stand allowed. The parties will appear before the Family Court on 25.6.2007. O.P.No.387/04 will be disposed of on merits within

another two months. Towards costs, the appellant shall pay an amount of Rs.5,000/- to the respondent within two weeks.

I.A.Nos.2802/05, 195/07 & 950/07: Dismissed.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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KURIAN JOSEPH &

T.R.RAMACHANDRAN NAIR, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 29th May, 2007.